

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY GEORGIA**

RICHARD C. TOLBERT,

Plaintiff

v.

KELVIN ROBERTS, et. al.,

Defendants

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1:04-CV-72 (WLS)

**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge filed on September 12, 2006. (Doc. 52). It is recommended that Plaintiff's Complaint (Doc. 2) be dismissed for failure to keep the Court advised of his current address. (Doc. 52). No objection has been filed.

Upon full review and consideration upon the record, the Court finds that the Report and Recommendation (Doc. 52) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. The Court further finds that in view of a previous warning from the Court that Plaintiff must continually provide the Court with his current address, Plaintiff's failure to do so is wilful and no lesser sanction will suffice. Accordingly, Plaintiff's Complaint (Doc. 2) is **DISMISSED**.

**SO ORDERED**, this 26<sup>th</sup> day of October, 2006.

/s/W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT COURT**